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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,315	05/24/2001	Eric Saurel	Q64632	1360
7590	12/01/2003			
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W., Suite 800 Washington, DC 20037-3213			EXAMINER LAMB, BRENDA A	
			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ebs

Office Action Summary

Application No.	Applicant(s)	
09/863,315	Sawel et al	
Examiner LAMB	Group Art Unit 1734	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on

Paper #7 filed 7/22/03

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-23

is/are pending in the application.

Of the above claim(s) _____

is/are withdrawn from consideration.

Claim(s) _____

is/are allowed.

Claim(s) 1-8, 11, 14, 15 and 18-21

is/are rejected.

Claim(s) 9, 10, 12, 13, 16, 17 and 22-23

is/are objected to.

Claim(s) _____

are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5, 6, 8, 11, 14, 15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al.

Kar et al teaches the design on optical fiber coating apparatus as shown in Fig. 6. Kar et al teaches his apparatus is comprised of an integral die support or receiver or downstream part and grid for receiving an exit die. The Kar et al exit die and grid together define a passageway for the optical fiber. Kar et al teaches the die support and grid are integral to facilitate precise alignment of the longitudinal axis of the grid and the exit die. Kar et al fails to teach the integral grid and die support includes a die support for the entry die or upstream part. However, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide

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an upstream part to receive the entry die for obvious reason to expect similar benefits taught by Kar et al for making integral the grid and the die support/downstream part/receiver for the exit die, to facilitate alignment of the longitudinal axis of the grid and the die, thereby facilitating alignment of both the entry and exit dies with the longitudinal axis of the grid. This claim 1 is obvious over Kar et al. With respect to claim 11, the same rejection applied to claim 1 is applied here. Kar et al shows a support/housing for the device for applying coating onto the optical fiber comprising a means for feeding coating around the grid. With claim 14, the same rejection applied to claim 1 is applied here. The recitation that the grid has through-holes that open into a common annular space surrounding the grid does not further limit applicants invention over Kar et al since Kar et al shows in his figure that there is a space surrounding the grid into which coating is fed. With respect to claims 2, 5, 8, 15 and 18, Kar et al shows in Figure 4 the coating/annular chamber 56 may be formed in the housing or alternatively, if not formed in the housing, in Figure 5 shows the ends of the sleeve or grid are provided with flanges to coat with walls of housing to form a flow chamber/ annular chamber 53 through which coating is fed. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the upstream and downstream part thus enabling one to

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insert the die support in die housing which does not have annual flow chamber formed in the housing for the taught advantages of an integral die support and grid—facilitate alignment of precise alignment of the longitudinal axes of the entry and exit die with the grid. Further with respect to claims 3 and 6, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the enlarged upstream and downstream part each with a radially extending wall/flange such as set forth in the claims has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the opposing radially extending wall of the enlarged upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing and to press fit the entry die into the die support in a manner similar to that exit die for the taught advantages of an integral die support and grid—facilitate alignment of precise alignment of the longitudinal axes of the grid with the die. With respect to claims 19-21, it would have been obvious given the modification of the Kar et al apparatus with the integral grid and die support as discussed above that the upstream and downstream part and the grid are arranged within housing forms the relationships set forth in the claims since Kar et al discloses that grid must be spaced from wall of housing to form an annular space into which coating is provided through the holes of the grid and onto the optical fiber.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al 4,531,959 in view of Guillemette et al.

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Kar et al is applied for the reasons noted above. Kar et al fails to teach a hollow part screwed into the die support to press the entry and exit die against the respective radial wall die support. However, it would have been obvious to modify the Kar et al coating apparatus by providing a hollow part such as shown in Fig. 1 of Guillemette et al (un-numbered element on far left side of Fig. 1 of Guillemette et al) to press a die in a coating apparatus into contact with a wall of the die support for the obvious advantage facilitating maintenance on the coating apparatus.

Applicant's arguments filed July 22, 2003 have been fully considered but they are not persuasive.

Applicant's argument of the non-obviousness of modifying the Kar et al apparatus such that the sleeve is extended upstream of the grid to accommodate the guide die or entry die since it would complicate cleaning of the assembly is found to be non-persuasive. If one desires to reduce time spent in aligning the longitudinal axis of the entry die and exit die, it would have been obvious to extend the Kar et al 63 sleeve upstream of the grid so as to accommodate the entry or guide die.

Applicants argument of the non-obviousness of modifying the Kar et al apparatus such that the sleeve is extended upstream of the grid to accommodate the guide die or entry due to possible axial displacement of the entry die is found to be non-persuasive since Kar et al as modified with the Guillemette et al hollow screw would have prevented axial displacement of the entry die. Alternatively, Kar et al column 6 lines 26-27 teaches it is possible to fabricate the sizing die or entry die as a unitary structure if one wants to prevent axial displacement of the dies. Therefore, it would have been

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obvious to extend Kar et al sleeve 63 upstream to accommodate the entry or guide die and assemble or fabricate the entry die/sleeve/exit die as a unitary structure since Kar et al teaches the possibility of fabricating or assembling together the exit die and sleeve as a unitary structure and obvious to assemble or fabricate the entry die/sleeve/exit die as a unitary structure to facilitate in installing the entry die/grid/exit die in the optical coating apparatus.

Applicant's argument that there is no disclosure for making an additional modification of expanding the inside diameter of the flow distribution chamber at the upstream end so its diameter is greater than the grid is found to be non-persuasive. Kar et al in Figures 2 and 5 show the opposite ends of the sleeve or grid are enlarged as defined with a radial wall extending so as to form a flange. Kar et al teaches the flange or enlarged opposite ends of the grid or sleeve are needed to space the grid or sleeve from the housing and form the inner flow chamber. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing for the taught advantages of an integral die

support and grid—facilitate alignment of precise alignment of the longitudinal axes of the grid with a die.

Applicant's argument that Kar et al fails to teach that the first and second radial wall oppose each other to define an annular chamber therebetween is found to be non-persuasive. Kar et al in Figures 2 and 5 show the opposite ends of the sleeve or grid are enlarged. Kar et al shows the enlargement at each end of the grid or sleeve as being defined by a radially extending wall which forms a flange at each end. Kar et al teaches the flange or enlarged opposite ends of the grid or sleeve are needed to space the grid or sleeve from the housing and form the inner flow chamber. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part each with a radially extending wall/flange has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the opposing radially extending wall of the enlarged upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing for the taught advantages of an integral die support and grid—facilitate alignment of precise alignment of the longitudinal axes of the grid with a die.

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Claims 9-10, 12-13, 16-17 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday through Tuesday and Thursday through Friday with alternate Wednesdays off.

BRENDA A. LAMB
PRIMARY EXAMINER